

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21422 of 2018

Arising Out of PS.Case No. -350 Year- 2017 Thana -LAKHISARAI District- LAKHISARAI

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1. Muni Yadav @ Munni Yadav @ Munna Yadav S/o Late Sunder Yadav
resident of village - Chhoti Kabaiya
 2. Rajeev Kumar S/o Jhingan Yadav Both are resident of Barhi Kabaiya,
Police Station - Kabaiya, District - Lakhisarai.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Amrendra Kumar, Advocate.

For the Opposite Party : Mr. Anand Mohan Prasad Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-04-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 272, 273 of the IPC,
30(a), 32(c) and 38(a) of the Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that total 80 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioners have falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioners. It is alleged that total 80



liters wine is recovered from *Bathan* of co-accused Munni Yadav. The name of the local residents who have named the petitioners has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J. 2nd-cum-Special Judge, (Excise), Lakhisarai, in connection with Lakhisarai (Kabaiya) P.S. Case No. 350/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

